

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-59 are pending in the application. Claims 1, 19, 20, 38, 39 and 57 are amended by the present amendment.

In the outstanding Office Action, claims 1, 5, 6, 17, 20, 24, 25, 36, 38, 39, 43, 44 and 55 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamada (U.S. Patent No. 6,239,837 B1) and Ikegaya (U.S. Patent No. 5,379,124). Claims 19 and 57 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamada and Ikegaya in view of Nakatani (U.S. Patent No. 5,063,459). Claims 2, 5, 6, 16, 21, 24, 25, 35, 40, 43, 44, and 54 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamada and Ikegaya in view of Wakui (U.S. Patent No. 5,742,339). Claims 7-9, 11-15, 26-28, 30-34, 45-47 and 49-53 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Yamada, Ikegaya, and Wakui applied to claims 2, 21 and 40 above and further in view of Yoshiura et al. (U.S. Patent No. 5,854,693, herein "Yoshiura"). Claims 3, 4, 22, 23, 41, and 42 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Yamada, Ikegaya, and Wakui as applied to claims 2, 21, and 40 and further in view of well known prior art. Claims 18, 37, and 56 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yamada and Ikegaya in view of well known prior art. Claims 10, 29, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over combination of Yamada, Ikegaya, Wakui and Yoshiura as applied to claims 8, 27 and 46 above, and further in view of Ikegaya.

Addressing the above-noted rejections, those rejections are traversed by the present response.

Initially, applicants note the claims are amended by the present response to clarify features recited therein. Specifically, independent claim 1 now recites:

checking means included in said transfer control means
for determining, prior to a start of transfer of said image data,

whether or not said external storage, which is included in a destination, to which the image data should be transferred, has a capacity great enough to store said image data.

That subject matter is fully supported by the original specification. As a non-limiting example see Figure 11 in the present specification indicating a "Limit Check Processing" step S6 prior to executing any file transfer. The present specification also discusses an advantage of such an operation. As discussed in the present specification, the "Limit Check Processing" is executed before file transfer, for example when the operator indicates an appropriate key for file transfer but before the transfer of the individual file.¹ With such an operation, as a check is performed before the start of file transfer a wasteful file transfer can be obviated, and thereby more efficient use of a storage medium can be realized.²

Each of the above-noted claims is amended by the present response to clarify features such as noted above in independent claim 1, and such features are believed to clearly distinguish over the applied art.

The outstanding rejection relies on Yamada to disclose a checking device included in a transfer controller, particularly citing Yamada at column 1, lines 65-67.³

In reply to that basis for the outstanding rejection, applicants note Yamada is not at all directed to the same features as clarified in the claims. Yamada specifically states at column 1, line 66 to column 2, line 7 that:

Preferably, the control means *sequentially detects* the free capacity of the auxiliary memory; upon detection of shortage of the free memory in the auxiliary memory before the *whole image data* in the main memory is *completely transferred* and copied, temporarily stops transferring and copying operations, and, after detecting that a new auxiliary memory is attached to the connector means, causes the remaining image data to be transferred and copied to the new auxiliary memory.⁴

¹ See for example the present specification at page 27, lines 10-13.

² See for example the present specification at page 27, lines 13-24.

³ Office Action of August 9, 2006, page 2, last paragraph.

⁴ Yamada at column 1, line 66 to column 2, line 7 (emphasis added).

From the above-noted passage it is clear that in Yamada a file transfer is already started prior to checking if there is any shortage in the free capacity of an auxiliary memory.

The claims as written recite a contrary operation than in Yamada as in the claims the determination as to whether the external storage has a great enough capacity to store the image data occurs *prior* to a start of transfer of the image data. Thereby, the claims as written recite a directly contrary operation as in Yamada, and thus the claims are believed to clearly distinguish over the teachings of Yamada.

Ikegaya also does not cure the deficiencies in Yamada and Ikegaya was not cited with respect to the above-noted features.

Thereby, the claims as written are believed to clearly distinguish over Yamada in view of Ikegaya.

Moreover, no teachings in any of the further cited references to Nakatani, Wakui, Yoshiura, or well-known art are believed to cure the above-noted deficiencies of Yamada in view of Ikegaya.

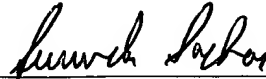
With respect to the position of applying “well-known prior art”, if that basis for the outstanding rejection is taking a position of Official Notice, applicants traverse that Official Notice and require that prior art be cited for such positions.

In view of the foregoing comments, applicants respectfully submit the claims as written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Registration No. 34,648

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Surinder Sachar
Registration No. 34,423
Attorneys of Record

I:\ATTY\SNS\20's\202544\202544US-AM.DOC